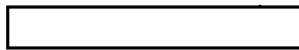




From the desk of



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GLC:

Attached is General Thomas' suggested reply to the Lew Allen problem. He asked that you review it and give him a call.

DCI/IC-77-0812

MEMORANDUM FOR: Director of Central Intelligence

FROM : Admiral Daniel J. Murphy, USN
Deputy to the DCI for the
Intelligence Community

SUBJECT : Handling Requests for Substantive Intelligence
from Non-oversight Committees of the Congress

1. Action Requested: Approval of a recommended course of action to establish Community-wide procedures for routing and responding to requests for intelligence from non-oversight committees of the Congress.

2. Background:

a. By memorandum of 17 May 1977 to the DCI, the DIRNSA raised the issue of "how intelligence from the Community should flow to non-oversight Congressional committees," and proposed establishment of a "policy to channel incoming requests of this nature." The DIRNSA suggestion was that the channel of communication from the committees should be through a designated individual on the ICS, and responses to committee requests would flow back through the ICS designee. The DIRNSA memorandum was not coordinated with OSD.

b. The initial reaction of the Legislative Counsel was that the DCI should reaffirm that OLC was his direct point of contact with the Congress on all matters pertaining to DCI responsibilities both as head of the Community and head of CIA, "with the understanding that matters having an Intelligence Community impact will be coordinated with the Intelligence Community Staff."

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c. In my view, the OLC reaction does not respond directly to the question posed by the DIRNSA.

d. The alternatives are essentially as follows:

(1) The DCI would advise the non-oversight committees of the Congress that all requests for substantive intelligence information should be channeled through his OLC. All such requests would be passed to the ICS, which would task the appropriate element of the Community and forward the completed paper back to the Congressional committee via OLC.

- Pro: This would enable the DCI to be fully aware of what information is being requested by non-oversight committees and what intelligence is being provided. This arrangement would respond to the DIRNSA request.
- Con: Since this arrangement would require that all elements of the Community participate, it would end the present direct relationship CIA now has with the Congress (now handled by of DDI).

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(2) As above, the DCI would advise the non-oversight committees that all requests for substantive intelligence should be channeled through his OLC. Requests calling for a CIA response would be passed by OLC to CIA; if another element of the Community is involved, OLC would pass the request to ICS for action.

- Pro: This would enable the DCI to keep aware of what information non-oversight committees are requesting, and what intelligence is being provided. It would preserve the existing CIA arrangement with the Congress.

- Con: The different treatment accorded CIA (which would retain its own direct contacts with Congress) and other elements of the Community (that would have to deal through the ICS) could result in an adverse reaction, particularly in the State and Defense Departments, although NSA might not object since handling of NSA matters would be as DIRNSA suggested.

(3) Present arrangements would continue so far as the Congressional committees are concerned, but the DCI would request all elements of the Community to provide the ICS with copies of all requests for information received from the committees. This would apply to oversight as well as non-oversight committees.

- Pro: This would provide the DCI information as to the kinds of intelligence being requested by all Congressional committees without any basic change in the present procedures for responding to the Congress. Since each Community entity would be responding directly to the requesting committee no complications would arise if the response should require a combination of intelligence and non-intelligence information. Any elements of the Community interested in maintaining direct contacts with non-oversight elements of the Congress would be able to do so.

- Con: Under this arrangement, the DCI would not necessarily be aware of what is being provided to the Congress by various elements of the Community, and he would have no "control" over the responses.

(4) This alternative would be the same as (3) above, except that in addition to being provided a copy of all requests the DCI also would be given a copy of all responses. The "pro" would be the same as in (3), but the "con" would be mitigated somewhat. The DCI would know what the answers were, but this would be after the fact, and he would not be in a position to influence the response.

(5) No change from the present situation. Each Congressional committee could continue to elect whether to request information from the DCI or from the individual entity of the Community, and to obtain a direct response. The ICS would be involved, as now, only when the request involved material originally prepared by the ICS, an activity of a Community body such as the NFIB, or a problem on which a coordinated Community response involving more than one organization is involved.

-- Pro: The present situation is working reasonably well.

-- Con: Greater DCI awareness of what information the Congress is seeking, and a greater DCI voice in what is being provided, could enhance effectiveness of the overall effort.

e. Pending guidance from the DCI concerning the degree to which he is interested in becoming involved in this matter, no effort has been made to explore the situation with State and Defense representatives. It is highly possible that objections would be raised to either alternatives (1) or (2) as outlined above, but not to alternatives (3), (4) or (5).

f. The choice is considered to lie primarily among (1), (2) and (4), and the basic considerations are:

(1) The degree of control the DCI desires to exercise over contacts between Community entities and the non-oversight committees of the Congress.

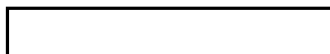
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(2) Whether the present CIA arrangement with the Congress should be retained.

3. Recommendation: It is recommended the DCI indicate which of the following courses of action he desires be pursued by OLC and ICS:

Alternative (1)____(2)____(3)____(4)____(5)____



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cc: Legislative Counsel

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